

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Harold Rodriguez	Team: Squad #1	CCRB Case #: 201908975	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 10/12/2019 11:21 AM	Location of Incident: [REDACTED]	Precinct: 106	18 Mo. SOL 4/12/2021	EO SOL 11/27/2021	
Date/Time CV Reported Sat, 10/12/2019 10:59 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Sat, 10/12/2019 10:59 PM		
<b>Complainant/Victim</b>	<b>Type</b>	<b>Home Address</b>			
[REDACTED]	[REDACTED]	[REDACTED]			
<b>Witness(es)</b>	<b>Home Address</b>				
[REDACTED]	[REDACTED]				
<b>Subject Officer(s)</b>	<b>Shield</b>	<b>TaxID</b>	<b>Command</b>		
1. POM Joseph Riccio	29522	944157	106 PCT		
<b>Witness Officer(s)</b>	<b>Shield No</b>	<b>Tax No</b>	<b>Cmd Name</b>		
1. POF Yanel Peraltarodriguez	07362	962008	106 PCT		
<b>Officer(s)</b>	<b>Allegation</b>			<b>Investigator Recommendation</b>	
A.POM Joseph Riccio	Abuse: Police Officer Joseph Riccio threatened to issue a summons to § 87(2)(b) [REDACTED]			[REDACTED]	
B.POM Joseph Riccio	Off. Language: Police Officer Joseph Riccio made remarks to § 87(2)(b) [REDACTED] based upon the perceived mental disability of § 87(2)(b) [REDACTED]			[REDACTED]	

## Case Summary

On October 12, 2019, § 87(2)(b) filed the following complaint online with the CCRB.

On October 12, 2019, at approximately 11:21AM, § 87(2)(b) was in a vehicle accident in the drive-thru of a Dunkin Donuts located at 133-20 Rockaway Boulevard in Queens. Police Officer Joseph Riccio and Police Officer Yanel Peralta-Rodriguez of the 106<sup>th</sup> Precinct responded to the location. PO Riccio asked § 87(2)(b) multiple times for her proof of insurance and she did not provide it. PO Riccio then threatened to issue § 87(2)(b) a summons for failure to provide her insurance (**Allegation A – Abuse of Authority:** § 87(2)(g)). § 87(2)(b) asked PO Riccio why he was treating her like a criminal and PO Riccio allegedly replied, “You’re crazy” (**Allegation B – Offensive Language:** § 87(2)(g)).

BWC from PO Riccio exists but does not capture the full incident (Board Review 01, 02). There is no BWC footage for PO Peralta-Rodriguez since the Patrol Guide does not require officers to activate their body-worn cameras for motor vehicle accidents (Board Review 11). PO Riccio activated his body-worn camera since his interaction with § 87(2)(b) escalated and became adversarial.

## Findings and Recommendations

**Allegation (A) Abuse of Authority: Police Officer Joseph Riccio threatened to issue a summons to § 87(2)(b)**

**Allegation (B) Offensive Language: Police Officer Joseph Riccio made offensive remarks to § 87(2)(b) based upon perceived mental disability.**

It is undisputed that § 87(2)(b) was at a Dunkin Donuts drive-thru when another vehicle struck her vehicle from behind. PO Riccio and PO Peralta-Rodriguez responded to the location and PO Riccio asked § 87(2)(b) multiple times, for her license, registration and insurance, to prepare a report. § 87(2)(b) provided her license and registration but not her insurance. PO Riccio asked § 87(2)(b) multiple times for her insurance, but she insisted that she wanted to be seen by EMS before providing the insurance. PO Riccio threatened to issue § 87(2)(b) a summons for not having insurance if she did not provide it. After § 87(2)(b) was seen by EMS, she provided her insurance information to PO Riccio.

§ 87(2)(b) also stated during her CCRB interview (Board Review 03) that she asked PO Riccio why he treated her like a criminal during their interaction. PO Riccio then said, “You’re crazy” in response.

PO Riccio stated during his CCRB interview (Board Review 04) that upon responding to the motor vehicle accident, he asked both drivers for license, registration and insurance. After § 87(2)(b) did not provide her insurance, he asked her 10-15 times to provide it. PO Riccio then gave § 87(2)(b) 30 minutes to produce proof of insurance and told her that he would have to issue her a summons for lack of insurance, which would be attached to the motor vehicle accident report. During his CCRB interview, PO Riccio stated that the new electronic system for filling out Motor Vehicle Accident Reports require a summons to be attached if any space is left blank. An unidentified EMT showed PO Riccio § 87(2)(b)'s cell phone, which had her insurance information on the screen. PO Riccio did not recall if he called § 87(2)(b) “crazy.”

PO Peralta-Rodriguez provided consistent testimony (Board Review 05) with PO Riccio that § 87(2)(b) refused to provide her insurance information until after being seen by EMS. PO Peralta-

Rodriguez stated that she did not hear PO Riccio call § 87(2)(b) crazy and could not hear any conversation between them as she was focused on obtaining the second motorist's information.

PO Riccio's Body-Worn Camera video 1 of 2 (Board Review 01) is two minutes long and has a one-minute buffer period with no audio. § 87(2)(b) is standing in front of PO Riccio while on his phone and a white male EMT and white female EMT are standing by. At the 1:01 mark of the video, § 87(2)(b) states that she is filing a report against PO Riccio for being nasty, rude and calling her crazy. PO Riccio asks if she was filing a report because he asked her for license, registration and insurance. An EMT then asks § 87(2)(b) if she is injured and the interaction between her and PO Riccio ends.

Patrol Guide Procedure 217-01 on Vehicle Collisions states that officers must obtain the driver's license, vehicle registration, and insurance identification card from the drivers of all vehicles involved in the collision (Board Review 06).

The NYC Department of Transportation Traffic Rule 4-12A(3) states that vehicle operators must present and/or surrender their operator's license, vehicle registration and insurance documents upon request of a law enforcement officer (Board Review 07).

Patrol Guide Procedure 203-10 states that members of service are prohibited from using discourteous or disrespectful remarks regarding another person's ethnicity, race, religion, gender, gender identity/expression, sexual orientation, or disability (Board Review 08).

§ 87(2)(b) PO Riccio and PO Peralta-Rodriguez consistently stated that § 87(2)(b) refused to provide her insurance information until after she was seen by EMS. § 87(2)(b), § 87(2)(g)

§ 87(2)(b)  
§ 87(2)(b)  
§ 87(2)(g), § 87(2)(b)  
§ 87(2)(b)

#### **Allegation A** § 87(2)(g)

§ 87(2)(g), § 87(2)(b)  
§ 87(2)(b)  
§ 87(2)(b)  
§ 87(2)(b)

#### **Allegation B** § 87(2)(g)

### **Civilian and Officer CCRB Histories**

- This is the first CCRB complaint to which § 87(2)(b) has been a party (Board Review 09).
- Police Officer Joseph Riccio has been a member of service for 13 years and has been a subject in 11 CCRB complaints and 24 allegations, none of which were substantiated. Officer Riccio's § 87(2)(g)

### **Mediation, Civil and Criminal Histories**

- § 87(2)(b) declined to mediate this complaint.

- As of April 29, 2020, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards to this complaint (Board Review 10).

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Squad No.: 1

Investigator: Harold Rodriguez SI Harold Rodriguez 12/18/20  
Signature Print Title & Name Date

Squad Leader: Mgr. Joy Almeyda  12.18.20  
Signature Print Title & Name Date

Reviewer:     
Signature Print Title & Name Date